

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

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|---|---|--------------------------------------|
| MANDI PHILLIPS, on Behalf of Herself and All Others Similarly Situating, |) | |
| |) | CASE NO.: 3: 14-cv-1710 |
| |) | |
| Plaintiff, |) | Hon. Waverly D. Crenshaw, Jr. |
| |) | |
| vs. |) | |
| |) | |
| MAPCO EXPRESS, INC., and DELEK US HOLDINGS, INC., |) | |
| |) | |
| Defendants. |) | |
| |) | |

**PLAINTIFF’S MOTION FOR AN ORDER APPROVING (1) FINAL ACCOUNTING OF
SETTLEMENT PROCEEDS; AND (2) DISTRIBUTION OF RESIDUAL FUNDS TO CY
PRES BENEFICIARIES**

Plaintiff Mandi Phillips (“Plaintiff”) hereby respectfully moves the Court for the entry of an Order approving: (1) the final accounting of the settlement proceeds; and (2) payment of the undisbursed settlement proceeds in the amount of \$4,017.20, to be distributed equally to the following proposed *cy pres* beneficiaries: (i) Smart Card Alliance, DBA as Secure Technology Alliance (“STA”); (ii) Financial Services Information Sharing and Analysis Center (FSISAC”); and (iii) National Credit Union Foundation (“NCUF”). This Motion is made pursuant to the Stipulation of Settlement¹ dated September 6, 2016 (ECF No. 25-1), that was finally approved by this Court on January 12, 2017 (“Final Approval Order”)² (ECF No. 52). Plaintiff has conferred with Defendants and has reviewed the *cy pres* beneficiaries and does not oppose the motion.

¹ All capitalized terms not otherwise defined herein have the meaning ascribed to them in the Stipulation of Settlement dated September 6, 2016 (ECF No. 25-1).

² “Final Approval Order” refers to the Final Judgment and Order of Dismissal entered on January 12, 2017 (ECF No. 52).

This Motion is based upon: (1) the Memorandum of Points and Authorities; (2) the Declaration of Kimberly K. Ness Regarding Residual Funds (“Ness Decl.”); (3) the Declaration of William B. Nelson on Behalf of the Financial Services Information Sharing and Analysis Center (“Nelson Decl.”); (4) the Declaration of Randy Vanderhoof on Behalf of the Smart Card Alliance, DBA Secure Technology Alliance (“Vanderhoof Decl.”); (5) the Declaration of Christiane Hyland on Behalf of the National Credit Union Foundation (“Hyland Decl.”); and the pleadings and papers on file in this action; and (6) such oral and documentary evidence as may be presented to the Court.

Dated: September 26, 2018

s/ Joseph P. Guglielmo

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CERTIFICATE OF SERVICE

I, Joseph P. Guglielmo, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: September 26, 2018

s/ Joseph P. Guglielmo
Joseph P. Guglielmo